

**FOR THE EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION**

JOHN M. PITMAN, III, *et al.*,

Plaintiffs,

- vs -

XCENTRIC VENTURES, LLC.,  
*et al.*,

Defendants.

Civil No.:

4:16-cv-00179-HCM-DEM

4:17-cv-00012-HCM-RJK

**EDWARD MAGEDSON'S ANSWER TO  
PLAINTIFFS' FIRST AMENDED COMPLAINT**

For its answer to Plaintiff's First Amended Complaint, Edward Magedson ("Magedson") states as follows:

**NATURE OF THE ACTION**

1. Magedson admits the allegations in Paragraph 1.
2. Magedson denies the allegations in Paragraph 2.
3. Magedson denies the allegations in Paragraph 3.
4. Magedson denies the allegations in Paragraph 4.
5. Magedson admits that plaintiffs' lawsuit seeks damages but denies that plaintiffs are entitled to damages. Magedson denies any remaining allegations in Paragraph 5.
6. Magedson admits that plaintiff John Pitman is a citizen of the Commonwealth of Virginia residing in Williamsburg, Virginia and that he is a medical doctor and an Army reservist. Magedson lacks sufficient information to admit or deny the remaining allegations in Paragraph 6.

7. Magedson lacks sufficient information to admit or deny the allegations in Paragraph 7.

8. Magedson admits that Tracy Richter was convicted of murder and is serving a life sentence in the Iowa Correctional Institution for Women. Magedson denies any remaining allegations in Paragraph 8.

9. Magedson admits that Anna Richter is Tracy Richter's mother and resides in Urbandale, Iowa. Magedson lacks sufficient information to admit or deny any of the remaining allegations in Paragraph 9.

10. Magedson admits that Bert Pitman is the son of Tracy Richter and resides in the State of Iowa. Magedson lacks sufficient information to admit or deny any of the remaining allegations in Paragraph 10.

11. Magedson admits that it is an Arizona Limited Liability Company with its principle place of business in Arizona and that it runs the [www.ripoffreport.com](http://www.ripoffreport.com) website which is accessible in the Commonwealth of Virginia. Magedson denies the remaining allegations in Paragraph 11.

12. Magedson denies that Meade was paid to generate content for the Ripoff Report and that Meade was ever an employee or agent of Xcentric. Magedson lacks sufficient information to admit or deny the remaining allegations in Paragraph 10.

13. Magedson admits that Magedson is an Arizona resident and that Magedson founded Ripoff Report in or about 1997 and denies the remaining material allegations in Paragraph 13.

#### **JURISDICTION AND VENUE**

14. Magedson denies the allegations in Paragraph 14.

15. Magedson denies the allegations in Paragraph 15.

### **FACTS**

16. Magedson admits the allegations in Paragraph 16.

17. Magedson admits that Ripoff Report allows users to post anonymously and that the user must affirm the post is truthful and accurate. Magedson denies the remaining allegations in Paragraph 17.

18. Magedson admits the allegations in Paragraph 18.

19. Magedson admits the allegations in Paragraph 19.

20. Magedson admits that Xcentric has several revenue streams and that its fees and costs for services vary. Magedson denies the remaining allegations in Paragraph 20.

21. Magedson denies the allegations in Paragraph 21.

22. The Ripoff Report website speaks for itself.

23. Magedson admits that Xcentric has employees and denies the remaining allegations in Paragraph 23.

24. Magedson denies the allegations in Paragraph 24.

25. Magedson denies the allegations in Paragraph 25.

26. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 26.

27. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 27.

28. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 28.

29. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 29.

30. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 30.

31. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 31.

32. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 32.

33. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 33.

34. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 34.

35. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 35.

36. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 36.

37. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 37.

38. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 38.

39. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 39.

40. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 40.

41. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 41.

42. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 42.

43. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 43.

44. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 44.

45. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 45.

46. Magedson denies the allegations in Paragraph 46, except admitting that Meade did at some time forge a relationship with Magedson.

47. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 47.

48. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 48.

49. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 49.

50. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 50.

51. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 51.

52. Magedson denies that Bert Pitman took any action at its direction. Magedson lacks sufficient knowledge to admit or deny the remaining allegations in Paragraph 52.

53. Magedson denies the allegations in Paragraph 53.

54. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 54.

55. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 55.

56. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 56.

57. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 57.

58. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 58.

59. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 59.

60. Magedson denies the allegations in Paragraph 60.

61. Magedson denies the allegations in Paragraph 61.

62. Magedson denies the allegations in Paragraph 62.

63. Magedson denies the allegations in Paragraph 63.

64. Magedson denies the allegations in Paragraph 64.

65. Magedson admits that posts about the Richter murder case appeared on the Ripoff Report website but denies the remaining allegations in Paragraph 65.

66. The Ripoff Report post speaks for itself. Magedson denies any remaining allegations in Paragraph 66.

67. Magedson denies the allegations in Paragraph 67.

68. Magedson denies the allegations in Paragraph 68.

69. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 69.

70. Magedson denies any participation in the alleged scheme to post false and defamatory information, and lacks sufficient knowledge to admit or deny the remaining allegations in Paragraph 70.

71. The Ripoff Report post speaks for itself. Magedson denies any remaining allegations in Paragraph 71.

72. The Ripoff Report post speaks for itself. Magedson denies any remaining allegations in Paragraph 72.

73. The Ripoff Report post speaks for itself. Magedson denies any remaining allegations in Paragraph 73.

74. The Ripoff Report post speaks for itself. Magedson denies any remaining allegations in Paragraph 74.

75. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 75.

76. The Ripoff Report post speaks for itself. Magedson denies any remaining allegations in Paragraph 76.

77. The Ripoff Report post speaks for itself. Magedson denies any remaining allegations in Paragraph 77.

78. Magedson denies the allegations in Paragraph 78.

79. Magedson denies the allegations in Paragraph 79.

80. Magedson denies the allegations in Paragraph 80.

81. Magedson denies the allegations in Paragraph 81.

82. Magedson denies the allegations in Paragraph 82.

83. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 83.

84. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 84.

85. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 85.

86. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 86.

87. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 87.

88. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 88.

89. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 89.

90. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 90.



91. Paragraph 91 states a legal conclusion to which no response is required. To the extent a response is required, Magedson denies the allegations in Paragraph 91.

92. Magedson denies the allegations in Paragraph 92.

93. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 93.

94. Magedson denies the allegations in Paragraph 94.

95. Magedson denies the allegations in Paragraph 95.

96. Magedson denies the allegations in Paragraph 96.

97. Magedson denies the allegations in Paragraph 97.

98. Magedson lacks sufficient knowledge to admit or deny the allegations in Paragraph 98.

99. Magedson denies the allegations in Paragraph 99.

100. Magedson denies the allegations in Paragraph 100.

101. Magedson denies the allegations in misnumbered Paragraph 99.

102. Magedson denies the allegations in misnumbered Paragraph 100.

103. Magedson denies the allegations in misnumbered Paragraph 101.

104. Magedson denies the allegations in misnumbered Paragraph 102.

105. Magedson denies the allegations in misnumbered Paragraph 103.

106. Magedson denies the allegations in misnumbered Paragraph 104.

107. The Ripoff Report post speaks for itself. Magedson denies any remaining allegations in misnumbered Paragraph 105.

108. Magedson denies the allegations in misnumbered Paragraph 106.

109. Magedson admits the allegations in misnumbered Paragraph 107.

**COUNT I**  
**(TORTIOUS INTERFERENCE)**

110. (Misnumbered Paragraph 108) Magedson hereby incorporates by reference its answers as set forth above.

111. Magedson lacks sufficient knowledge to admit or deny the allegations in misnumbered Paragraph 109.

112. Magedson denies the allegations in misnumbered Paragraph 110.

113. Magedson denies the allegations in misnumbered Paragraph 111.

114. Magedson denies the allegations in misnumbered Paragraph 112.

115. Magedson denies the allegations in misnumbered Paragraph 113.

116. Magedson denies the allegations in misnumbered Paragraph 114.

117. Magedson denies the allegations in misnumbered Paragraph 115.

118. Magedson denies the allegations in misnumbered Paragraph 116.

119. Magedson denies the allegations in misnumbered Paragraph 117.

120. Magedson denies the allegations in misnumbered Paragraph 118.

121. Magedson denies the allegations in misnumbered Paragraph 119.

**COUNT II**  
**(COMMON LAW CONSPIRACY)**

122. (Misnumbered Paragraph 120) Magedson hereby incorporates by reference its answers as set forth above.

123. Magedson denies the allegations in misnumbered Paragraph 121.

124. Magedson denies the allegations in misnumbered Paragraph 122.

125. Magedson denies the allegations in misnumbered Paragraph 123.

126. Magedson denies the allegations in misnumbered Paragraph 124.

- 127. Magedson denies the allegations in misnumbered Paragraph 125.
- 128. Magedson denies the allegations in misnumbered Paragraph 126.
- 129. Magedson denies the allegations in misnumbered Paragraph 127.
- 130. Magedson denies the allegations in misnumbered Paragraph 128.
- 131. Magedson denies the allegations in misnumbered Paragraph 129.

**COUNT III  
(STATUTORY BUSINESS CONSPIRACY)**

132. (Misnumbered Paragraph 130) Magedson hereby incorporates by reference its answers as set forth above.

- 133. Magedson denies the allegations in misnumbered Paragraph 131.
- 134. Magedson denies the allegations in misnumbered Paragraph 132.
- 135. Magedson denies the allegations in misnumbered Paragraph 133.
- 136. Magedson denies the allegations in misnumbered Paragraph 134.
- 137. Magedson denies the allegations in misnumbered Paragraph 135.
- 138. Magedson denies the allegations in misnumbered Paragraph 136.
- 139. Magedson denies the allegations in misnumbered Paragraph 137.
- 140. Magedson denies the allegations in misnumbered Paragraph 138.
- 141. Magedson denies the allegations in misnumbered Paragraph 139.

**COUNT IV  
(DECLARATORY JUDGMENT)**

- 142. (Misnumbered Paragraphs 140-146) This Count has been dismissed.

**COUNT V  
(INJUNCTIVE RELIEF)**

- 143. (Misnumbered Paragraphs 147-155) This Count has been dismissed.

**AFFIRMATIVE DEFENSES**

For its affirmative defenses Magedson states as follows:

1. Plaintiffs fail to state a claim upon which relief can be granted.
2. Plaintiffs lack jurisdiction.
3. Plaintiffs failed to mitigate their damages.
4. Plaintiffs' claims are barred by the statute of limitations.
5. Plaintiffs come with unclean hands.
6. Plaintiffs' claims are barred by section 230 of the Communications Decency Act.

Dated: September 13, 2017

Respectfully submitted,

/s/ David A. Warrington

David A. Warrington (VSB No. 72293)  
LeClairRyan, A Professional Corporation  
2318 Mill Road, Suite 1100  
Alexandria, VA 22314  
Phone: (703) 647-5926  
Fax: (703) 647-5966  
david.warrington@leclairryan.com

*Counsel for Edward Magedson and  
Xcentric Ventures, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of September, 2017, the foregoing was filed electronically with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all authorized users.

*/s/ David A. Warrington*

---

David A. Warrington (VSB No. 72293)  
LeClairRyan, A Professional Corporation  
2318 Mill Road, Suite 1100  
Alexandria, VA 22314  
Phone: (703) 647-5926  
Fax: (703) 647-5966  
david.warrington@leclairryan.com

*Counsel for Edward Magedson and  
Xcentric Ventures, LLC*